IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8132 OF 2005

The Bhiwandi Central Co-op.
Consumer Society Ltd., (Regd.) .. Petitioners.

vs.

State of Maharashtra & Ors. .. Respondents.

Mr. M.V. Aiya for petitioners.
Mr. R.M. Patne for respondents.

CORAM : S.U. KAMDAR, J.
DATE : 1st December, 2005.

P.C.:

. The present petition is challenging the order passed by the Minister dated 10.10.2005. The appeal which was heard by the Minister was against the order of Deputy Controller of Rationing suspending the licence of the petitioner shop till the misappropriated amount is paid. However, while deciding the appeal and upholding the order of the Deputy Controller of Rationing inadvertently the Minister has passed the order as if the Deputy Controller of Rationing has cancelled the licence of the shop and consequently held that the allotment of

the rationing shop requires to be cancelled. There is no dispute that as per the order of the Deputy Controller of Rationing, the misappropriated amount has been paid by the petitioner. In my opinion, the Minister could not have travelled beyond the order which was in appeal. While holding that the Deputy Controller of Rationing has cancelled the licence he has misread the order which provides only for suspension of the licence. In that view of the matter, the order passed by the Minister cancelling the rationing shop is set aside and the order of the Deputy Controller of Rationing has been upheld. In view of the fact that the petitioner has already paid the misappropriate amount, the order of the Deputy Controller of Rationing has been worked out. In that view of the matter, the respondents are directed to permit the ration shop of the petitioner by revoking the suspension. The petition is made absolute accordingly. There shall be no order as to costs.